

FEDERAL REGISTER

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The President

EXECUTIVE ORDER

ESTABLISHING THE PIEDMONT WILDLIFE REFUGE GEORGIA

By virtue of and pursuant to the authority vested in me as President of the

United States, it is ordered that the lands acquired, or to be acquired, by the United States within the areas delineated on the diagram attached hereto and made a part hereof in Jasper and Jones Counties, Georgia, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for birds

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THE PRESIDENT

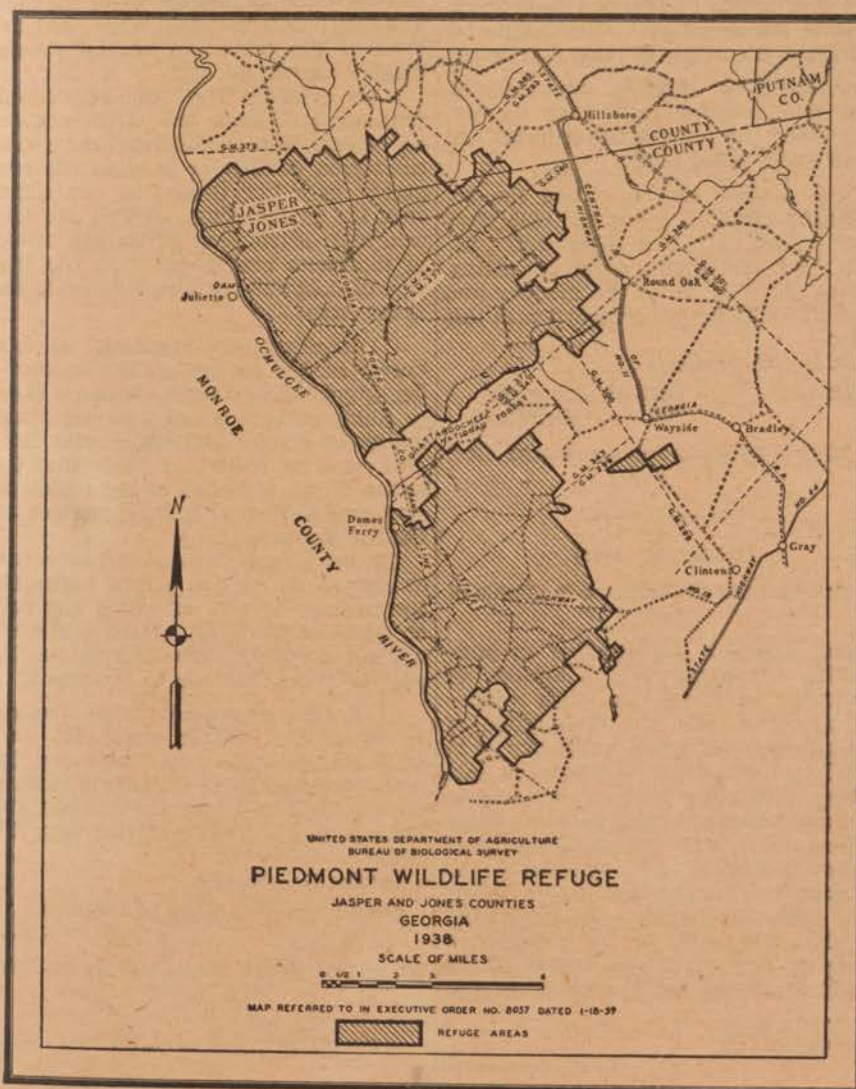
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and other wildlife: *Provided*, that any private lands within the areas delineated shall become a part of the refuge upon the acquisition of title thereto or control thereof by the United States.

It is unlawful for any person to hunt, trap, capture, wilfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of this refuge, or to enter thereon, except under



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such rules and regulations as may be prescribed by the Secretary of Agriculture.

This reservation shall be known as the Piedmont Wildlife Refuge.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
January 18, 1939.

[No. 8037]

[F. R. Doc. 39-227; Filed, January 19, 1939; 11:43 a. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3402]

IN THE MATTER OF THE DETECTIVE PUBLISHING COMPANY

SEC. 3.6 (j) (4) *Advertising falsely or misleadingly—Government approval—Tests.* Representing, directly or otherwise, in connection with offer, sale and distribution of armored vests in interstate commerce or in District of Columbia, that said vests have successfully stood the highest Government test of all bullet-proof vests, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, The Detective Publishing Company, Docket 3402, January 5, 1939]

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF AL DUNLAP, TRADING AS THE DETECTIVE PUBLISHING COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs filed herein (oral arguments having been waived), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Al Dunlap, individually and trading as The Detective Publishing Company, or trading in any other manner, his representatives, agents and employees, in connection with the offering for sale, sale and distribution of armored vests in interstate commerce or in the District of Columbia, do forthwith cease and desist:

Representing, directly or otherwise, that said armored vests have successfully stood the highest Government test of all bullet-proof vests.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-242; Filed, January 20, 1939; 12:41 p. m.]

[Docket No. 3421]

IN THE MATTER OF SINNOCK & SHERRILL, INC.

SEC. 3.66 (a) *Misbranding or mislabeling—Composition.* Marking or branding, in connection with manufacture, offer, sale and distribution of pen knives in interstate commerce or in District of Columbia, respondent's said knives, with outer shell or covering of gold and inner concealed sheet or filling of base metal, with any word, marks or figures indicating gold fineness so as to import or imply that entire filling and shell of handle, excepting the skeleton, are gold, or so marking or stamping any marks or figures on its pen knives indicating fineness of gold of

¹ 3 F. R. 1544 DI.

which any part or parts are made, without correctly indicating specific part or parts so composed, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Sinnock & Sherrill, Inc., Docket 3421, January 10, 1939]

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Sinnock & Sherrill, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture, offering for sale, sale and distribution of its pen knives in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) marking or branding its pen knives having an outer shell or covering of gold and an inner concealed sheet or filling of base metal with any word, marks or figures indicating gold fineness so as to import or imply that the entire filling and shell of the handle of said pen knives with the exception of the skeleton are gold.

(2) marking or stamping any marks or figures on its pen knives indicating the fineness of gold of which any part or parts of said pen knives are made without correctly indicating the specific part or parts that are so composed.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-243; Filed, January 20, 1939; 12:41 p. m.]

¹ 3 F. R. 2522 DI.

TITLE 50—WILDLIFE

BUREAU OF BIOLOGICAL SURVEY
ORDER PERMITTING FISHING WITHIN THE
ELK REFUGE, WYOMING

Correction

The third paragraph of F. R. Doc. 39-214, filed January 18, 1939, at 12:18 p. m., and appearing on page 373 of the FEDERAL REGISTER for Thursday, January 19, 1939, should read as follows:

The waters of Flat Creek, from approximately the center of the NW $\frac{1}{4}$ of Sec. 14, T. 41 N., R. 116 W., northward and eastward with the creek to the boundary line of the refuge at the SE $\frac{1}{4}$ of Sec. 34, T. 42 N., R. 115 W., shall be open to hook-and-line fishing as defined by State law during the period August 1 to September 30, inclusive, of each year, for such species as may be legally taken under State law and regulation.

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[General Docket No. 15]

ORDER IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

IN RE PROPOSALS OF MINIMUM PRICES SUBMITTED BY THE DISTRICT BOARD FOR DISTRICT NO. 3

At a session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 18th day of January 1939.

It appearing, That in the Findings of Fact and Conclusions of the Commission in the above-entitled matter, heretofore issued on January 6, 1939,¹ certain typographical errors were made therein, and said Findings of Fact and Conclusions should be corrected in such respects:

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the Findings of Fact and Conclusions of the Commission in the matter of the proposals of minimum prices submitted by the District Board for District No. 3, issued herein on January 6, 1939, be and the same are hereby corrected as follows:

Item No. 11, appearing on page 14 of said Findings (FEDERAL REGISTER, Jan. 12, 1939, P. 205), is corrected to read as follows: "11. Railroad locomotive fuel for movement through eastern tidewater ports shall take the same prices applying on all-rail railroad locomotive fuel for the size ordered and shipped."

On page 22 of said Findings (FEDERAL REGISTER, Jan. 12, 1939, P. 200), the classification of the Davis-Wilson Coal Company, Bunker Mine, Sewickley Seam

in Size Group 5 is corrected by changing the symbol "J" to "K", in conformity with the price schedule set forth in the appendix for District No. 3.

On page 27 of said Findings (FEDERAL REGISTER, Jan. 12, 1939, P. 201), the name of the mine of the Four States Coal Company is corrected to read "Annabelle" instead of "Annabella."

2. That the Secretary of the Commission be and he is hereby directed to cause a copy of this order to be published forthwith in the FEDERAL REGISTER, to cause a copy hereof to be mailed to the Consumers' Counsel, to the Secretary of each District Board, to all interested parties who have entered their appearances in the hearing relating to the proposals made by District No. 3, and to cause copies hereof to be made available for inspection by interested parties at the Office of the Secretary of the Commission, Washington, D. C. and at the office of each Statistical Bureau of the Commission.

By order of the Commission.

Dated at Washington, D. C., this 18th day of January 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-238; Filed, January 20, 1939; 10:48 a. m.]

[Docket Nos. 597-FD, 477-FD]

IN THE MATTER OF THE APPLICATION OF FRANK O. LOWDEN, JAMES E. GORMAN AND JOSEPH B. FLEMING, TRUSTEES OF THE ESTATE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY, DEBTOR, AND THE APPLICATION OF CONSOLIDATED INDIANA COAL COMPANY AND THE TRUSTEES OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY, DEBTOR

NOTICE AND ORDER FOR HEARINGS

Frank O. Lowden, James E. Gorman and Joseph B. Fleming, Trustees of the estate of the Chicago, Rock Island and Pacific Railway Company, Debtor, having filed with the Commission an application for determination of the status of their coal, alleging that the provisions of Section 4 (1) of the Act exempt their coal from the provisions of Section 4 and the first paragraph of Section 4-A of the Act, and

Consolidated Indiana Coal Company and the Trustees of the Chicago, Rock Island and Pacific Railway Company, Debtor, having filed with the Commission an application for determination of the status of their coal, under the second paragraph of Section 4-A, alleging that they are exempt from Section 4 and the first paragraph of Section 4-A because their transactions in coal do not directly affect interstate commerce in coal,

Now, therefore, it is hereby ordered:

1. That, beginning on the 2nd day of February, 1939, at 10:00 o'clock a. m., at

the Hearing Room of the Commission, Walker Building, Washington, D. C., hearings on the above-named applications be held before an Examiner of this Commission, to be designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law.

2. The Secretary of the Commission is directed forthwith to mail a copy of this Order and Notice to the applicants, or to their attorneys of record, to the Consumers' Counsel, to the Secretary of each District Board, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission, and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated at Washington, D. C., this 18th day of January 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-239; Filed, January 20, 1939; 10:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1939.

[File No. 7-243]

IN THE MATTER OF PROVIDENCE GAS COMPANY COMMON STOCK, WITHOUT PAR VALUE

ORDER DENYING APPLICATION TO TERMINATE UNLISTED TRADING PRIVILEGES

The Providence Gas Company having made application to the Commission pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-3, to terminate unlisted trading privileges on the New York Curb Exchange in the Common Stock, Without Par Value, of said company; and

A hearing having been held in this matter after appropriate notice,¹ and the Commission having this day made and filed its findings and opinion herein;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application to terminate unlisted trading privileges in the Common Stock, Without Par Value, of Providence Gas Company on the New York Curb Exchange be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-241; Filed, January 20, 1939; 11:07 a. m.]

¹ 4 F. R. 195 DI.

² 3 F. R. 1667 DI.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1939.

[File Nos. 43-177 and 64-1]

IN THE MATTER OF HUNTINGTON DEVELOPMENT AND GAS COMPANY AND COLUMBIA GAS & ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration and an application pursuant to sections 7 and 15 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on February 7, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so des-

ignated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 2, 1939.

The matter concerned herewith is in regard to:

(1) A declaration by Huntington Development and Gas Company regarding the reduction of the par value of 40,000 shares of its common stock (being all such shares outstanding) from \$100 per share to \$50 per share, together with a corresponding reduction in common capital account from \$4,000,000 to \$2,000,000. It is proposed that the capital surplus thus created, together with other surplus, will be designated as "Special Capital Surplus" and that the declarant will thereafter charge the deficit in its earned surplus account at December 31, 1937, aggregating \$782,306.77, to capital surplus at December 31, 1937, to the extent

available, and then to "Special Capital Surplus."

It is stated that of declarant's 40,000 shares of common stock, 39,871 shares are held by Columbia Gas & Electric Corporation and that the remaining 129 shares of such stock are publicly held. It is further stated that of the 14,000 shares of declarant's 6% Cumulative Preferred Stock (par value \$100), 555 shares are held in its treasury, 2 shares are publicly held and 14,443 shares are held by said Columbia Gas & Electric Corporation.

(2) An application by Columbia Gas & Electric Corporation pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies adopted pursuant to Rule U-15-10 and Section 15 of the Public Utility Holding Company Act of 1935, regarding the recordation on its books of the 39,871 shares of 6% Cumulative Preferred Stock and 14,443 shares of the common stock in Huntington Development and Gas Company, which Columbia is to receive as a result of the dissolution of Huntington Gas Company, which dissolution has heretofore been effected (See File No. 54-7, Holding Company Act Release No. 1372).

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-240; Filed, January 20, 1939; 11:07 a. m.]